



General Assembly

February Session, 2008

Raised Bill No. 160

LCO No. 1383

01383_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT PROVIDING PARENTS OR GUARDIANS WITH MORE INVOLVEMENT DURING THE COMMITMENT PROCESS OF A CHILD WITH THE DEPARTMENT OF CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 46b-129 of the 2008 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2008*):

4 (d) The preliminary hearing on the order of temporary custody or
5 order to appear or the first hearing on a petition filed pursuant to
6 subsection (a) of this section shall be held in order for the court to: (1)
7 Advise the parent or guardian of the allegations contained in all
8 petitions and applications that are the subject of the hearing and the
9 parent's or guardian's right to counsel pursuant to subsection (b) of
10 section 46b-135 of the 2008 supplement to the general statutes; (2)
11 assure that an attorney, and where appropriate, a separate guardian ad
12 litem has been appointed to represent the child or youth in accordance
13 with subsection (b) of section 46b-123e of the 2008 supplement to the
14 general statutes and sections 46b-129a and 46b-136 of the 2008
15 supplement to the general statutes; (3) upon request, appoint an

16 attorney to represent the respondent when the respondent is unable to
 17 afford representation, in accordance with subsection (b) of section 46b-
 18 123e of the 2008 supplement to the general statutes; (4) advise the
 19 parent or guardian of the right to a hearing on the petitions and
 20 applications, to be held not later than ten days after the date of the
 21 preliminary hearing if the hearing is pursuant to an order of temporary
 22 custody or an order to show cause; (5) accept a plea regarding the truth
 23 of such allegations; (6) make any interim orders, including visitation,
 24 that the court determines are in the best interests of the child or youth.
 25 The court, after a hearing pursuant to this subsection, shall order
 26 specific steps the commissioner and the parent or guardian shall take
 27 for the parent or guardian to regain or to retain custody of the child or
 28 youth. [;] Upon request of the parent or guardian, the court shall
 29 require the commissioner to take the specific steps described in
 30 subparagraphs (A) to (D), inclusive, of this subdivision, unless any
 31 party objects and the court finds, after an evidentiary hearing, that
 32 good cause exists to not order the commissioner to take any such step.
 33 (A) The commissioner shall submit any document to be signed by the
 34 parent or guardian, such as releases and service agreements, to the
 35 parent's or guardian's attorney for review. Such submission may be
 36 made by facsimile transmission or electronic mail and the
 37 commissioner shall provide a reasonable time for attorney review. (B)
 38 If the commissioner determines that the parent or guardian needs legal
 39 advice, the commissioner shall not provide such advice but shall notify
 40 the parent or guardian's attorney that legal advice is needed. (C) The
 41 commissioner shall promptly communicate with the attorney for the
 42 parent or guardian regarding any problems that arise with the parent
 43 or guardian's compliance with specific steps ordered and shall state
 44 the details of such noncompliance with reasonable particularity. (D)
 45 The commissioner shall promptly communicate newly acquired
 46 information regarding the child's health, welfare, safety and education
 47 to all attorneys in the case and to any guardian ad litem for the child;
 48 (7) take steps to determine the identity of the father of the child or
 49 youth, including ordering genetic testing, if necessary, and order

50 service of the petition and notice of the hearing date, if any, to be made
 51 upon him; (8) if the person named as the father appears, and admits
 52 that he is the father, provide him and the mother with the notices that
 53 comply with section 17b-27 and provide them with the opportunity to
 54 sign a paternity acknowledgment and affirmation on forms that
 55 comply with section 17b-27. Such documents shall be executed and
 56 filed in accordance with chapter 815y and a copy delivered to the clerk
 57 of the superior court for juvenile matters; and (9) in the event that the
 58 person named as a father appears and denies that he is the father of the
 59 child or youth, advise him that he may have no further standing in any
 60 proceeding concerning the child, and either order genetic testing to
 61 determine paternity or direct him to execute a written denial of
 62 paternity on a form promulgated by the Office of the Chief Court
 63 Administrator. Upon execution of such a form by the putative father,
 64 the court may remove him from the case and afford him no further
 65 standing in the case or in any subsequent proceeding regarding the
 66 child or youth until such time as paternity is established by formal
 67 acknowledgment or adjudication in a court of competent jurisdiction.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2008	46b-129(d)
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Statement of Purpose:

To give the parent or guardian more involvement during the commitment process of a child or youth to the Department of Children and Families.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]